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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/718,605 | 11/24/2003 | Nobuyuki Hatasa | 01272.020648. | 1005 |
| 5514 | 7590 | 12/23/2005 | EXAMINER | |
| FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 | | | MARTIN, LAURA E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2853 | |

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,605

Applicant(s)

HATASA ET AL. 

Examiner

Laura E. Martin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 5 and 6 objected to because of the following informalities: claim 1 states "at least one liquid supply hole"; however, claims 5 and 6 state "liquid supply holes".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 4-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimizu et al. (US 2003/0085968).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed

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but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per claim 1, Shimizu et al. teaches a liquid container storing a liquid (figure 4) that forms a plurality of concentration layers in a static state (P0069) and having a supply port (528) for supplying the liquid to another device, the liquid container comprising: a hollow tubular member (102) whose one end installed in the liquid container is connected to the supply port; at least one liquid supply hole (150) formed in the tubular member; and an air introducing port (529) at a bottom of the tubular member to introduce air into the tubular member; wherein the liquid in the liquid container is introduced into the tubular member through the liquid supply hole and the liquid thus introduced is supplied from the supply port (528) to another device (524), and the air introduced into the tubular member through the air introducing port rises as a bubble in the tubular member to agitate the liquid inside the tubular member (P0069).

As per claim 4, Shimizu et al. teaches a liquid container, wherein at least one of the liquid supply holes is as large as will allow the bubble introduced from the air introducing port to move therethrough out of the tubular member (the tubes for 528 and 529 are the same size, thus the liquid supply hole could allow the passing of a bubble).

As per claims 5 and 6, Shimizu et al. teaches a liquid container, wherein the liquid supply hole is open in the tubular member in a direction at a

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predetermined angle to a center axis of the tubular member (figure 5), the liquid supply hole being open at the same angle to the center axis of the tubular member.

As per claim 7, Shimizu et al. teaches a liquid container, wherein the tubular member (102), the supply port (528), and the air introducing port (529) combine to form an integral connection unit removable from the liquid container body (100 is the integral unit attached by 400)

As per claim 8, Shimizu et al. teaches a liquid container, wherein the liquid is pigment ink (P0069).

As per claim 9, Shimizu et al. teaches an inkjet printing apparatus (P0001) which mounts the liquid container of claim 8 and performs a printing operation by ejecting ink from a printhead onto a print medium (P0061), the ink jet recording apparatus comprising: a supply means (526) for communicating the supply port (528) with the printhead (524); wherein the supply means extracts ink from the liquid container and supplies it to the printhead as the ink is consumed by the printhead (P0061).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. (US 2003/0085968) in view of Bailey (US 4159790).

Shimizu et al. teaches the liquid container of claim 1; however, it does not teach the tubular member extending vertically upward from a bottom of the liquid container to a height almost equal to an inner height of the liquid container and has the liquid supply hole formed therein at a plurality of vertically spaced locations, and the plurality of liquid supply holes each introduce nearby liquid into the tubular member.

Bailey teaches the tubular member (20) extending vertically upward from a bottom of the liquid container to a height almost equal to an inner height of the liquid container and has the liquid supply hole (28) formed therein at a plurality of vertically spaced locations, and the plurality of liquid supply holes each introduce nearby liquid into the tubular member (figure 2; C2, L23-28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Shimizu et al. with the disclosure of Bailey in order to improve ink flow.

Response to Amendment

In light of applicant's amendments to claim 1, the 35 USC 103 rejections of claims 1 and 4-9 are hereby withdrawn and thus the applicant's arguments directed thereto are rendered moot.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Martin whose telephone number is (571) 272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David M. Gray can be reached on (571) 272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laura E. Martin


12/20/05
MANISH S. SHAH
PRIMARY EXAMINER